

RESPONSE under 37 C.F.R. § 1.116
U.S. Appln. No. 09/649,268

REMARKS

Claims 1-20 are pending in the application and stand rejected. Reconsideration and allowance of all pending claims are respectfully requested in view of the following remarks.

PREVIOUS RESPONSE.

In the Office Action of March 16, 2004, claims 1, 3, 8-9, 13-14 and 17 were rejected under one of 35 U.S.C. § 112 first or second paragraphs or alternatively under 35 U.S.C. § 102(b) as anticipated by Isikoff. Since the present Office Action does not address or reassert these rejections they are assumed to have been overcome by Applicant's response of June 16, 2004.

CLAIM REJECTIONS.

35 U.S.C. § 103(a)

Claims 1-20 are now all rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. 5,748,084 to Isikoff. Applicant respectfully traverses this rejection in view of the remarks that follow.

The Examiner is respectfully reminded that it is well established that a *prima facie* obviousness is only established when three basic criteria are met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *In re Vaeck*, 947 F.2d 488 (Fed. Cir. 1991) (MPEP 2144) (emphasis added).

In the instant rejection, the Office Action relies solely on Isikoff to reject the pending claims. However, the Office Action further admits that Isikoff does not teach or suggest

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Applicant's claimed nonvolatile memory (claims 1-7) or a processor adapted to be periodically inactivated to reduce power consumption (claims 1-20).

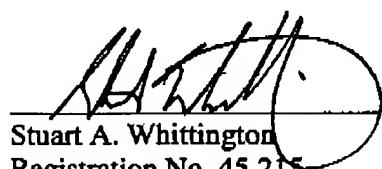
A brief assertion that ACPI and/or non-volatile memories are well known in the art is insufficient to show that such technologies would be adapted, provided or implemented to recreate the invention claimed by Applicant. Applicant seasonably challenges such allegations and requests the Examiner identify specific prior art or provide some evidence supporting these overly broad and conclusory statements.

Since Isikoff fails to teach or suggest all of the limitations present in Applicant's independent claims (as expressly stated in the Office Action), *prima facie* obviousness has not been established (*In re Royka*, 490 F.2d 981 (CCPA 1974)) and Applicant respectfully requests the Examiner to reconsider and withdraw this §103 rejection.

CONCLUSION.

In view of the above, reconsideration and allowance of this application is now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below. Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee or deficiency thereof, except for the Issue Fee, is to be charged to **Deposit Account # 50-0221.**

Respectfully submitted,



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